

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,

v.

CRIM. NO. 3:19CR00160-003

**SHEHZADKHAN K. PATHAN,
Defendant.**

**SUPPLEMENT TO DEFENDANT'S POSITION WITH RESPECT
TO THE DEFENDANT'S SENTENCING FACTORS
AND MOTION FOR VARIANCE SENTENCE**

COMES NOW, the defendant, Shehzadkhan K. Pathan, by counsel, and hereby supplements his position with respect to sentencing factors, specifically, the need to avoid unwarranted disparities. The defendant adopts this argument as it pertains to his request for a variance sentence. In support of this supplement, the defendant states the following:

I. Need to avoid unwarranted disparities.

In his earlier pleading, Mr. Pathan referenced several similar cases to support his position that a sentence within the guideline range determined by the probation officer would lead to an unwarranted sentencing disparity. He cited the cases of United States v. James L. Smith, United States v. Michael Johnson, United States v. Jay Stuart Anderson, and United States v. Michael Cooper, as well as the cases of three of Mr. Pathan's co-defendants: Chirag Choksi (78 months), Shachi Majmudar (14 months), and Javeshkumar Deliwala (63 months). Mr. Pathan suggests that an appropriate sentence in his case is a total, aggregate sentence of 150 months; as argued earlier, this requested sentence is far

in-excess of that of any of Mr. Pathan's co-defendants, yet still accounts for the significant role he played in these offenses.

After further research, Mr. Pathan files this supplement to provide information regarding other, similar cases in support of his position regarding avoiding unwarranted sentencing disparities and for a variance sentence.

In the case of [United States v. Ghaleb Alaumary](#), the United States District Court for the Southern District of Georgia imposed a total sentence of 140 months after guilty pleas to two counts of wire fraud. According to the Department of Justice press release, the defendant was ordered to pay in-excess of \$30,000,000.00 in restitution, an amount of loss nearly tripling that in the instant case. [International money launderer sentenced to federal prison in cyber-crime conspiracies responsible for intended loss of nearly \\$60 million | USAO-SDGA | Department of Justice](#) The press release goes on to state that the defendant "laundered money for a rogue nation and some of the world's worst cybercriminals, and he managed a team of coconspirators who helped to line the pockets and digital wallets of thieves."

In the case of [United States v. Benard Okorhi](#), the United States District Court for the Western District of Tennessee sentenced the defendant to 75 months in federal prison for his role in an international fraud conspiracy. The Department of Justice press release indicates that "[t]he scheme is estimated to have cost residents of the United States approximately \$8 million dollars." [Nigerian Citizen is Eleventh Person Sentenced in International Fraud Scheme | USAO-WDTN | Department of Justice](#) This defendant was the eleventh to be sentenced; no other defendant received a sentence in excess of 78 months.

In the case of [United States v. Monique Brady](#), the United States District Court for the District of Rhode Island sentenced the defendant to 8 years in federal prison on charges of wire fraud, aggravated identity theft and obstructing a federal investigation.

[Rhode Island Property Developer Sentenced to Eight Years in Prison for \\$10 Million Ponzi Scheme and Obstructing IRS Investigation | OPA | Department of Justice](#)

The defendant's scheme involved the collection of approximately \$10,300,000.00 in investor funds and saw her obstruct justice by asking her investors to delete all texts, emails and documents relating to their investments. The defendant was ordered to pay \$4.78 million in restitution.

Finally, in the case of [United States of America v. Alexsei Burkov](#), the United States District Court for the Eastern District of Virginia sentenced the defendant to nine years in federal prison for his operation of two websites devoted to the facilitation of credit card fraud. [Russian National Sentenced to Prison for Operating Websites Devoted to Fraud and Malicious Cyber Activities | OPA | Department of Justice](#) The defendant was convicted of conspiracy to commit a number of offenses, including wire fraud and identity theft. According to the Department Of Justice press release, “stolen credit card data sold on Burkov’s site has resulted in over \$20 million in fraudulent purchases made using U.S. credit card accounts.”

The press releases are attached as Exhibit A. Mr. Pathan submits that these cases are similar in type and scope to his own. Some of the cases cited involve amounts of loss well in-excess of that in the instant case. Several of them were also international. Some defendants in the other cases proceeded to trial. As the Court is well-aware, Mr. Pathan pleaded guilty and accepted responsibility for his crimes. Mr. Pathan submits that the

requested aggregate sentence of 150 months is appropriate in this case, in light-of other, similar cases cited herein.

II. Request for Variance Sentence

Mr. Pathan adopts the arguments made above as an additional ground for this Honorable Court to impose a variance sentence of 150 months.

IV. Conclusion

For the foregoing reasons, the defendant respectfully requests that this Honorable Court sentence him to serve a total sentence of one-hundred fifty (150) months followed by a period of supervised release.

Respectfully submitted,

By: _____/s/ _____
Counsel

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CERTIFICATE

I certify that on September 12, 2021, I electronically filed the foregoing Position on Sentencing and Request for Variance Sentence with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing (NEF) to:

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/s/_____

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